

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DAVID RIKER et al.,

Plaintiffs,

v.

JAMES GIBBONS et al.,

Defendants.

3:08-CV-00115-LRH-RAM

**STIPULATED CLASS NOTICE  
AND ORDER**

Pursuant to the Court's Order, dated March 31, 2009 [Dkt. #40], the parties submit the attached stipulated class notice to be posted in the law library, infirmary, and each housing area of Ely State Prison, Ely, Nevada, for the duration of this action. *See* Attachment A.

Dated: April 30, 2009

Respectfully Submitted,

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**ORDER**

**IT IS SO ORDERED:**

DATED this 5th day of May, 2009.



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HON. LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE

## **ATTACHMENT “A”**

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA**

*Riker v. Gibbons*, Civil Action No. 3:08-CV-00115-LRH-RAM.

**If you are a prisoner at Ely State Prison, a class action lawsuit may affect your rights.**

*The Federal Court authorized this notice.*

- Prisoners have sued prison officials and other state officials in federal court, alleging inadequate medical care at Ely State Prison (ESP) in violation of the U.S. Constitution.
- The Federal Court has allowed the lawsuit to proceed as a class action on behalf of “**All prisoners who are now, or in the future will be, in the custody of the Nevada Department of Corrections at Ely State Prison in Ely, Nevada.**” **If you are a prisoner at Ely State Prison, you are a member of this class.**
- The Federal Court has not decided whether or not prison officials and other state officials (“the Defendants”) have done anything to violate the rights of the prisoners (“the Plaintiffs”) to adequate medical care. The Plaintiffs’ lawyers must prove their claims against the Defendants at a trial.
- The United States District Court for the District of Nevada is overseeing this class action. The lawsuit is known as *Riker v. Gibbons*, Civil Action No. 3:08-CV-00115-LRH-RAM.

**1. What is this lawsuit about?**

This lawsuit claims that the Defendants are violating the constitutional rights of prisoners at ESP by failing to provide prisoners with access to care for their serious medical needs.

**2. What are the Plaintiffs asking for?**

The Plaintiffs in this case have asked only for injunctive relief, not for money damages. Injunctive relief means that if Plaintiffs win the lawsuit, the Court will order the Defendants to provide access to care for prisoners' serious medical needs. This class action does not seek money damages.

**3. Am I part of this Class?**

All prisoners who are currently incarcerated at ESP are members of the class and any prisoner who is transferred to ESP in the future will also be part of the class. You are a member of the class only while you are incarcerated at Ely. If you are transferred out of ESP or released from ESP, you will no longer be a member of the class.

**4. Do I have to participate in this lawsuit?**

No. Unless you are a named plaintiff, you are not required to participate in this lawsuit in any way. Note that if you do not participate in the lawsuit, but you are still a prisoner at ESP, any changes in medical care ordered by the Court will still apply to you.

**5. Do I have a lawyer in this case?**

The Court has appointed the National Prison Project of the ACLU, the ACLU of Nevada, and the law firm of Holland & Knight LLP to represent all class members in this case. These lawyers are called "Class Counsel." You will not owe class counsel any money for their services in this case.

If you want to communicate with Class Counsel about this case, you may write to them at the following address:

Amy Fettig  
National Prison Project of the ACLU  
915 15<sup>th</sup> Street, NW -- 7<sup>th</sup> Floor  
Washington, DC 20005

**6. Should I get my own lawyer?**

You do not need to hire your own lawyer to be part of this class action lawsuit for injunctive relief because Class Counsel is working on your behalf. If you want your own lawyer, you can have a lawyer enter an appearance in this case on your behalf. You will likely have to pay that lawyer, however.

Class Counsel cannot represent you in any damages case. If you want to sue Defendants for damages, you cannot do so in this Class Action lawsuit. If you wish to bring a damages case

you will need to first follow the rules of the Nevada Department of Corrections for exhausting administrative remedies.

**This Notice will be posted in the law library, infirmary, and each housing area for the duration of this action, by order of the United States District Court.**